

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT (CERCLA)

14-32. Administrative Enforcement: Agency Representation at Hearings

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended:

a. to represent the Agency in administrative enforcement actions following issuance of an administrative complaint or order under CERCLA Section 109 and/or 5 U.S.C. Section 554;

b. to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions;

c. to initiate an administrative appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED. Regional Counsel.

3. LIMITATIONS.

a. This authority may only be exercised after the alleged violator files an answer, or fails to file an answer within the appropriate timeframe.

b. The delegatee must obtain the concurrence of the Director, Hazardous Site Cleanup Division (HSCD) or his/her designee prior to exercising the authorities in 1.b. and 1.c. except for multi-media cases.

c. The delegatee must obtain the concurrence of the Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ) or his/her designee prior to exercising the authorities in 1.b. and 1.c. for multi-media cases.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. All applicable Agency guidance and directives.

b. Section 109 of CERCLA.

c. CERCLA, Regional Delegation 14-31. Administrative Penalty Actions.

4/27/99

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT (CERCLA)

14-32. Administrative Enforcement: Agency Representation at Hearings (Cont.)

6. SUPERSESSION. Delegations Manual, CERCLA, Regional Delegation 14-32.
Administrative Enforcement: Agency Representation at Hearings, 1200 TN RIII-79 (October
12, 1989).

Date 4/27/99

/s/ Thomas C. Voltaggio
W. Michael McCabe
Regional Administrator